

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL LEU, as Proposed Administrator of the
Estate of PAMELA LEU, Deceased,

Plaintiff,

-against-

PFIZER INC., PARKE-DAVIS, a division of Warner-
Lambert Company and Warner-Lambert Company
LLC, WARNER-LAMBERT COMPANY, WARNER-
LAMBERT COMPANY LLC, ACTAVIS INC.,
ACTAVIS ELIZABETH LLC and PUREPAC
PHARMACEUTICAL CO.,

Defendants.

Civil Action No.: 08-cv-5160 (DAB)

NOTICE OF MOTION TO DISMISS

S I R S:

PLEASE TAKE NOTICE that, upon the annexed Memorandum of Law and upon all the pleadings and proceedings heretofore had herein, the undersigned, on behalf of Defendants **ACTAVIS INC., ACTAVIS ELIZABETH LLC and PUREPAC PHARMACEUTICAL CO.,** will move this Court, before the Honorable Deborah A. Batts, at a time and place to be fixed by the Court, in the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order:

1. Pursuant to Fed. R. Civ. P. 12(b)(6), dismissing the Complaint and Plaintiff's claims against ACTAVIS INC., ACTAVIS ELIZABETH LLC and PUREPAC PHARMACEUTICAL CO., with prejudice; and
2. Granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that answering affidavits and memoranda, if any, are to be served upon the undersigned pursuant to Local Civil Rule 6.1.

Dated: New York, New York
June 11, 2008

Yours, etc.,

HARRIS BEACH PLLC

By: /s/
Steven A. Stadtmauer (SAS 2632)

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-and-

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*Attorneys for Defendants
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Purepac Pharmaceutical Co.*

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*Attorneys for Defendants
Pfizer Inc. and Warner Lambert Company LLC*

CERTIFICATE OF SERVICE

The undersigned certifies that on June 11, 2008, I caused to be served copies of the NOTICE OF MOTION TO DISMISS and MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS OF ACTAVIS DEFENDANTS PURSUANT TO FRCP 12(b)(6) via the Court's Electronic Case Filing System, upon all counsel of record.

/s/
Steven A. Stadtmauer (SS 2632)